

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application of: Bayer CropScience LP)
Trademark: TRIMAX)
Serial Number: 78/103,187)
Filed: January 17, 2002)
_____)



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Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

**REQUEST FOR AMENDMENT OF APPLICATION
WITH CONSENT OF POTENTIAL OPPOSER**

Madam:

Applicant requests that the identification of goods in the subject application be amended as follows:

Please delete the current identification of goods and substitute the following: "insecticides for use on crops, excluding sod or sod farms".

REMARKS

The subject application was published for opposition on August 20, 2002. Potential opposer, PBI/Gordon Corporation, has obtained numerous extensions of time to file an opposition. During the extension period, Applicant and potential opposer entered into settlement discussions and reached an agreement that became effective on October 22, 2004.

Pursuant to that agreement, Applicant has requested that the subject application be amended. Potential opposer has consented to this amendment.

CONCLUSION

In view of the foregoing remarks, Applicant submits that its mark is entitled to registration and requests that all necessary steps be taken to allow its application to proceed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Gitchel', is written over a horizontal line.

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December 2, 2004

CERTIFICATE OF SERVICE

I certify that on December 2, 2004, a copy of the foregoing Request for Amendment of Application with Consent of Potential Opposer was served via first class mail, postage prepaid, on counsel at the address set forth below:

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Jeffrey M. Gitchel